

United States District Court
Eastern District of Michigan

Little Caesar Enterprises, Inc.
and Little Caesar National
Advertising Program, Inc.,

Plaintiffs,

v

Case No. 00-74803
Hon. Patrick J. Duggan

William M. Hebblewhite, Phyllis Hebblewhite, and
Marshall Enterprises, Inc.,

Defendants.

**ORDER GRANTING PLAINTIFFS'
MOTION TO RENEW JUDGMENTS**

This matter is before the Court on plaintiffs' motion to renew judgments. Although styled an ex parte motion, which Michigan procedure for renewing judgments allows, the plaintiffs served their motion on defendants, and no response has been filed within the time required by the court rules. Pursuant to ED Mich LR 7.1(f)(2), the Court will decide the motion without oral argument. For the reasons explained below, this Court will grant plaintiffs' motion.

On October 22, 2001, this Court entered a judgment in plaintiffs' favor against the William M. Hebblewhite. Docket entry 32. The judgment provides for plaintiff Little Caesar Enterprises, Inc. to recover \$53,569.79 and for plaintiff Little Caesar National Advertising Program, Inc. to recover \$58,300.61 from William M. Hebblewhite. *Id.*

On November 20, 2001, this Court entered a judgment in plaintiffs' favor against Phyllis M. Hebblewhite (aka "Bilbrey" or "Arnold") and Marshall Enterprises, Inc. Docket entry 34. That judgment provides for plaintiff Little Caesar Enterprises, Inc. to recover \$20,033.92 from Phyllis M. Hebblewhite and \$53,569.79 from Marshall Enterprises, Inc. *Id.* It provides for

plaintiff Little Caesar National Advertising Program, Inc. to recover \$23,765.62 from Phyllis M. Hebblewhite and \$58,300.61 from Marshall Enterprises, Inc.

According to plaintiffs, no payments have been received on the judgment.

Under Michigan law, which is applicable pursuant to FRCP 69(a)(1), this Court's judgment against William Hebblewhite would have expired on October 22, 2011 and the judgment against Phyllis Hebblewhite and Marshall Enterprises, Inc. would have expired on November 20, 2011 if an action to renew the judgments were not commenced within the 10-year limitations period. MCL § 600.5809(1), (3). Plaintiffs filed their motion to renew on October 20, 2011, which sufficient to commence an action and is within the applicable limitations period. Accordingly,

IT IS ORDERED that plaintiffs' motion to renew the judgments is granted. Each judgment is renewed for an additional 10-year period.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: November 4, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on Friday, November 04, 2011, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager